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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91221291
Party	Plaintiff Ferrero S.p.A.
Correspondence Address	LEO M LOUGHLIN ROTHWELL FIGG ERNST & MANBECK PC 607 14TH STREET NW, 8TH FLOOR WASHINGTON, DC 20005 UNITED STATES PTO-TM-Email@rfem.com
Submission	Other Motions/Papers
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Date	06/30/2016
Attachments	Reply to Motion to Compel.pdf(71458 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Ferrero S.p.A.,	:	
	:	
Opposer/Registrant,	:	
	:	
v.	:	Opposition No. 91221291
	:	
Ruchi Soya Industries Limited,	:	
	:	
Applicant/Petitioner.	:	
	:	

**OPPOSER/REGISTRANT’S REPLY AND
WITHDRAWAL OF THE MOTION TO COMPEL**

Opposer/Registrant, Ferrero S.p.A. (“Ferrero”) filed its Motion to Compel on May 20, 2016 as a result of Applicant/Petitioner Ruchi Soya Industries Limited’s (“Ruchi”) unreasonable position on document production, which has led both the Board and parties to needlessly expend both time and resources. Pursuant to 37 C.F.R. § 2.127(a), Ruchi’s response to the Motion to Compel was due June 9, 2016. However, Ruchi did not file a timely response by the June 9 deadline. On June 20, nearly two weeks after its response was due, Ruchi changed its position and served Ferrero with amended interrogatory answers and responses to discovery requests, and also sent its responsive documents to Ferrero. On June 23, Ferrero informed Ruchi that it was reviewing the document production to determine if the Motion to Compel could be withdrawn. On June 24, two weeks after the deadline to file a response, Ruchi filed an untimely response to the Motion to Compel.¹ Ruchi’s late response should be stricken.

¹ If, as Ruchi claimed in its untimely response, Ruchi truly believed that it needed to file a response to the motion by June 24, Ruchi could have asked Ferrero for an extension of time to respond while Ferrero conducted its review of the document production. Ruchi did not do so.

Ferrero has now had an opportunity to review the document production served by Ruchi and believes that the issues raised in the Motion to Compel have been resolved. Therefore, in accordance with 37 C.F.R. § 2.120(e)(1), Ferrero hereby withdraws the Motion to Compel and requests that this proceeding be resumed with all testimony dates reset.

Respectfully submitted,

Ferrero S.p.A.

By:



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Date: June 30, 2016

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Opposer/Registrant's Reply and Withdrawal of the Motion to Compel has been served by First Class mail, postage prepaid, to

Robert B. Golden, Esq.
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On this 30th day of June, 2016.



Lisa M. Locke